

REMARKS

Claim 1 has been amended to clarify its subject matter. The applicant submits, therefore, that the amendment requires only a cursory review by the examiner.

Claims 1-7, 9-11 and 22-35 are pending.

Claims 1-7, 9-11, 22, 25-28 and 30-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,153,911 (Benedetti) in view of U.S. Patent No. 3,482,765 (Probst).

Claim 1, as amended, recites “[a] blank for a container wall comprising: an upper and a lower peripheral edge; first and second connection edges laterally connecting said peripheral edges, each of said connection edges extending along overlap regions which are interconnectable for shaping the container; and at least one peripheral recess that is open to the outside and formed in each of the overlap regions, said peripheral recesses overlapping one another at least in part upon connection of the overlap regions so as to form at least one inspection opening, a first overlap line and a second overlap line, wherein upon connection of the overlap regions, the first connection edge substantially aligns with the second overlap line and the second connection edge substantially aligns with the first overlap line, wherein an inner edge of a first one of the overlapping peripheral recesses extends at least in part along the first overlap line and an inner edge of a second one of the overlapping peripheral recesses extends at least in part along the second overlap line.”

The office action alleges that Benedetti's overlapping portions 8, 9 (see Fig. 1) correspond to the “overlap regions” in claim 1. However, there are no peripheral recesses formed in such overlap regions, as recited in claim 1. Indeed, there is only one peripheral recess (formed by cut 10) and that peripheral recess is arranged outside of the overlap regions.

Moreover due to this particular cut 10 and the way overlapping portions 8 and 9 are connected to each other Benedetti's container requires an innermost framing piece 11' to hold the transparent strip 11 in place. *See, e.g.,* col. 2, lines 14 to 23 and figs. 1 to 2.

Probst does not disclose or render obvious the claim features that are missing from Benedetti.

Probst discloses a contribution envelope which is a quite different object compared to container for a beverage or the like. The contribution envelope according to Probst has grooves 14, 16, 18, 20 in some of the flaps 10, 12, 8 which partly overlap when the flaps 10, 12, 8 are folded. *See, e.g.*, figs. 1 and 2. However, the corresponding parts of grooves 14 and 20 visible in Fig. 2 are not arranged in “overlap regions,” as recited in claim 1.

Moreover, the corresponding parts of grooves 14 and 20 visible in Fig. 2 are not arranged such that there is “a first overlap line and a second overlap line, wherein upon connection of the overlap regions, the first connection edge substantially aligns with the second overlap line and the second connection edge substantially aligns with the first overlap line, wherein an inner edge of a first one of the overlapping peripheral recesses extends at least in part along the first overlap line and an inner edge of a second one of the overlapping peripheral recesses extends at least in part along the second overlap line,” as recited in claim 1.

Claim 1 is allowable for at least the foregoing reasons.

Claim 1, as amended, recites “a blank for a container wall comprising: an upper and a lower peripheral edge; first and second connection edges laterally connecting said peripheral edges, each of said connection edges extending along overlap regions which are interconnectable for shaping the container [and] first and second connection edges laterally connecting said peripheral edges.” Accordingly, the upper and lower peripheral edges and first and second connecting edges are part of the container wall.

Benedetti’s container has a corresponding blank that is not only used for the container wall. Instead, there are plies used at opposite ends of the container. *See, e.g.*, Fig. 3. For example, one of the plies is formed by a part of the overlapping portion 8, another ply is formed by a part of the overlapping portion 9 and there is an additional end flap 7 which wholly overlaps at the top and the bottom of the container.

Thus, Benedetti does not disclose “a blank for a container wall comprising: an upper and a lower peripheral edge; first and second connection edges laterally connecting said peripheral

edges, each of said connection edges extending along overlap regions which are interconnectable for shaping the container [and] first and second connection edges laterally connecting said peripheral edges," as recited in claim 1.

Probst does not remedy the shortcomings of Benedetti in this regard.

Claim 1 is allowable for the foregoing additional reasons as well.

Furthermore Probst discloses nothing about sealing the corresponding recesses 20, 14 (see FIG. 2). In this regard, Probst merely discloses that the corresponding envelope is closed by the top flap 6 which is the only sealing flap. Therefore, there would have been no hint for a person skilled in the art to combine Probst with Benedetti.

Claim 1 is allowable for the foregoing additional reasons.

Claims 2-7 and 9-11 depend from claim 1 and, therefore, are allowable for at least the same reasons as claim 1.

Claim 22 recites subject matter that is similar to the subject matter in claim 1, discussed above. Claim 22, therefore, is allowable for at least the same reasons as claim 1.

Claims 23-35 depend from claim 22 and, therefore, are allowable for at least the same reasons as claim 22.

CONCLUSION

It is believed that all rejections of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper,

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and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

A petition for extension of time is enclosed. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Docket No. 27514-0005US1.

Respectfully submitted,

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